

**TWENTY-THIRD DAY**  
(Tuesday, February 22, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Bobbi Kaye Cloninger, Associate Pastor, Memorial United Methodist Church, Austin, offered the invocation as follows:

Almighty God, You have taught us that if we want to be great we must be servants of all. Give these legislators, executives and government workers a knowledge of Your will for our state. Let them remember that they serve a public trust, beyond personal gain or glory. May they see that no group of people lives for itself alone, but is responsible to You for peace, and for the well-being of all Your children. In Your Name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 22, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 78**, Commending Bill Cain.

**C.S.S.B. 307**, Relating to the conveyance of certain state-owned real property in Fort Bend County. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE BILL 109**

On motion of Senator Vale and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 109**.

**CO-AUTHOR OF SENATE BILL 110**

On motion of Senator Vale and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 110**.

**CO-AUTHOR OF SENATE BILL 287**

On motion of Senator Traeger and by unanimous consent, Senator Sharp will be shown as Co-author of S.B. 287.

**CO-AUTHOR OF SENATE BILL 401**

On motion of Senator Uribe and by unanimous consent, Senator Sharp will be shown as Co-author of S.B. 401.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 75  
H.C.R. 65  
H.C.R. 44  
H.C.R. 41  
H.C.R. 39  
H.C.R. 34  
H.C.R. 33  
H.C.R. 23  
H.C.R. 1  
H.C.R. 77

**REPORTS OF STANDING COMMITTEES**

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 100 (Amended)

Senator Jones submitted the following report for the Committee on Finance:

C.S.S.B. 205 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

C.S.S.B. 21 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 109

S.B. 110

S.B. 451

C.S.S.B. 385 (Read first time)

C.S.S.B. 103 (Read first time)

Senator Uribe, Vice Chairman, submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 278 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 126 (Read first time)

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

- S.B. 507** by Sims Intergovernmental Relations  
Relating to the areas in which a telephone cooperative may operate.
- S.B. 508** by Mauzy, Harris, Lyon Intergovernmental Relations  
Relating to the disposition of certain hospital district records.
- S.B. 509** by Leedom State Affairs  
Relating to the elimination of certain legal holidays.
- S.B. 510** by Brown State Affairs  
Relating to the requirement of an annual report by the secretary of state concerning the reporting and disclosure of political funds.
- S.B. 511** by Brown State Affairs  
Relating to the reporting and acceptance of certain political contributions.
- S.B. 512** by Brown State Affairs  
Relating to the designation of campaign treasurers and assistant campaign treasurers and the activities of assistant campaign treasurers; providing penalties.
- S.B. 513** by Sims Intergovernmental Relations  
Relating to the creation of an additional judicial district, composed of Tom Green County, and to the exchange of benches by the judges of the district courts in that county.
- S.B. 514** by Williams State Affairs  
Relating to late applications for tax exemptions on residence homesteads.
- S.B. 515** by Mauzy Economic Development  
Relating to eligibility for the Governing Committee and selection of servicing companies for the Texas Workers' Compensation Assigned Risk Pool, amending Article 5.76 T.R.C.S.
- S.B. 516** by Montford Education  
Relating to the authority of the board of regents of Texas Tech University to purchase certain land in El Paso County.
- S.B. 517** by Montford Education  
Relating to the authority of the board of regents of Texas Tech University to accept gifts and manage real property.
- S.B. 518** by Washington Natural Resources  
Relating to creation of solar easements.
- S.B. 519** by Washington Jurisprudence  
Relating to the repeal of Section 21.06, Penal Code.
- S.B. 520** by Washington Jurisprudence  
Relating to the appointment of guardians ad litem and attorneys ad litem in certain probate proceedings.
- S.B. 521** by Washington Jurisprudence  
Relating to the employment and compensation of court coordinators and administrative assistants by statutory probate courts.
- S.B. 522** by Washington Jurisprudence  
Relating to the authority of the personal representative of a decedent to institute proceedings to determine heirship.

- S.B. 523** by Washington Jurisprudence  
Relating to the liability of certain personal representatives for attorney's fees.
- S.B. 524** by Washington Jurisprudence  
Relating to the management of property recovered in a suit by the next friend of an incapacitated person.
- S.B. 525** by Washington Jurisprudence  
Relating to providing notice to heirs and beneficiaries concerning final settlements in probate proceedings.
- S.B. 526** by Washington Jurisprudence  
Relating to the distribution of small estates on affidavit.
- S.B. 527** by Washington Jurisprudence  
Relating to compliance with a will admitted to probate as a muniment of title.
- S.B. 528** by Washington Jurisprudence  
Relating to the statewide assignment of judges of the statutory probate courts.
- S.B. 529** by Washington Education  
Relating to a substantive revision of the laws concerning creation, consolidation, and abolition of school districts.
- S.B. 530** by Glasgow Economic Development  
Relating to the calculation of the surplus of a corporation for the purposes of the franchise tax.
- S.B. 531** by Glasgow Economic Development  
Repealing the use of the short form for the franchise tax.
- S.B. 532** by Glasgow Economic Development  
Relating to the calculation of the capital assests for franchise tax purposes of a corporation that owns an interest in a Texas subsidiary corporation.
- S.B. 533** by Glasgow Economic Development  
Relating to exemptions from the franchise tax for nonprofit corporations.
- S.B. 534** by Traeger Natural Resources  
Relating to drilling or operating a water well near a septic tank; amending Chapter 28, Water Code; and providing a penalty.
- S.B. 535** by Caperton State Affairs  
Relating to the regulation of public utilities, to restructuring of rates for residential customers of certain public utilities, and to the powers and duties of the Texas Public Utility Commission; requiring certain follow-up reviews; amending the Public Utility Regulatory Act, as amended (Article 1446c, Vernon's Texas Civil Statutes), by amending Subsection (d), Section 3 and Sections 38 and 45 and adding Section 38A; and amending Article 1438, Revised Statutes.
- S.B. 536** by Caperton State Affairs  
Relating to the establishment of a trust fund composed of certain oil and gas sales proceeds; insulating such funds from claims against the trustee and the trustee's estate; requiring deposit of those funds in county banks and savings and loan associations and permitting investment of those funds; providing for the disposition of the interest on such funds; requiring trustee to report fund deposits to state comptroller of public accounts; enabling royalty owners to audit the books of account of trustees pertaining to trust funds; fixing interest on trust funds not timely disbursed; enabling private citizens to sue for enforcement of the Act; defining wrongful disbursement or misapplication of trust funds as a penal offense and

attaching a penalty; making the Texas Trust Act inapplicable; making the Act inapplicable to public lands; making the attorney general responsible for enforcement of the Act; amending Chapter 91, Subchapter E, as amended, Natural Resources Code, by adding Section 91.144.

**S.B. 537** by Caperton

Jurisprudence

Relating to postjudgment support; amending Chapter 3, Family Code, as amended, by adding Section 3.632.

**S.B. 538** by Caperton

State Affairs

Relating to the increase in minimum automobile liability coverage for motor vehicles; amending the Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), by amending Section 1; Subsection (c), Section 5; Section 15; Subsection (b), Section 21; and Subsection (a), Section 25.

**S.C.R. 30** by Doggett

Administration

Granting Frank E. Hejl permission to sue the State.

### SENATE RESOLUTION 195

Senator Jones offered the following resolution:

**S.R. 195**, Recognizing the notable accomplishments of Richard Lee Roddy, Jr., and naming him as Honorary Page.

The resolution was read and was adopted.

### SENATE BILL 165 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 165**, Relating to Dental Health Service Corporations and declaring an emergency.

The bill was read second time and was passed to engrossment.

### SENATE BILL 165 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 165** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McFarland, Washington.

The bill was read third time and was passed.

### SENATE BILL 203 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 203**, Relating to the practice and regulation of dentistry and dental hygiene and to certain confidential records; defining offenses and providing penalties; amending the Revised Statutes, as amended, by amending Articles 4544a, 4548i, and 4551h; Section 3, Article 4549; and Section 2, Article 4550.

The bill was read second time.

Senator Caperton offered the following committee amendment to the bill:

Amend Section 2 in SECTION 1 of S.B. 203 by placing a period after "employees" where it appears in line 24 and by striking the remainder of the section.

The committee amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend Section 2 in SECTION 2 of S.B. 203 to read as follows:

"Section 2. A person practicing dentistry in violation of this Act commits an offense. Except as provided by this section, an offense under this section is a Class A misdemeanor. If it be shown in the trial of a violation of this Act that the person has once before been convicted of a violation of this Act, on conviction the person shall be punished for a third degree felony. Each day of violation constitutes a separate offense. On final conviction of an offense under this section, a person forfeits all rights and privileges conferred by virtue of his licensure under this Act."

DOGGETT  
BROOKS

The amendment was read.

On motion of Senator Caperton, the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Blake, Brown, Caperton, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Vale, Williams.

Nays: Brooks, Doggett, Edwards, Farabee, Lyon, Mauzy, Truan, Uribe, Washington, Whitmire.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 203 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Williams.

Nays: Brooks, Doggett, Mauzy, Washington, Whitmire.

Absent: Truan.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Doggett, Mauzy and Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 209 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 209**, Relating to renaming the Arroyo Colorado Navigation District as the Port of Harlingen Authority.

The bill was read second time and was passed to engrossment.

**SENATE BILL 209 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 209** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 6 ON SECOND READING**

On motion of Senator Vale and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading:

**S.C.R. 6**, Creating a committee to designate a Texas State Artist for the year beginning May 1, 1983, and ending April 30, 1984, and the year beginning May 1, 1984, and ending April 30, 1985.

The resolution was read second time and was adopted.

**SENATE BILL 332 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 332**, Relating to exclusion of credit insurance from the Texas Property and Casualty Insurance Guaranty Act.

The bill was read second time and was passed to engrossment.

**SENATE BILL 332 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 332** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 334 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 334**, Relating to the definition of contractual obligations as it applies under laws governing the Life, Accident, Health and Hospital Service Insurance Guaranty Association.

The bill was read second time and was passed to engrossment.

**SENATE BILL 334 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 334** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 320 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 320**, Relating to penalties and interest on delinquent county hotel occupancy taxes.

The bill was read second time and was passed to engrossment.

**SENATE BILL 320 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 320** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE SENATE BILL 253 ON SECOND READING**

Senator Washington moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 253** be taken up for consideration at this time:

**S.B. 253**, Relating to regulation of private process servers; providing penalties.

The motion was lost by the following vote: Yeas 21, Nays 9, Present-not voting 1. (Not receiving four-fifths vote of Members of the Senate.)

Yeas: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe.



Nays: Caperton, Henderson, Kothmann, Lyon, Sims, Traeger, Vale, Whitmire, Williams.

Present-not voting: Washington.

#### **SENATE BILL 277 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 277**, Relating to the confidentiality of alarm systems records.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 277 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 277** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 436 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 436**, Relating to regulation of landscape architects.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 436 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

#### **SENATE BILL 350 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 350**, Relating to the requirement that benefits under certain insurance coverage be payable in legal tender of the United States.

The bill was read second time and was passed to engrossment.

**SENATE BILL 350 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 350** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 68 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 68**, Relating to the qualifications of election judges and clerks.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 68** by inserting on line 16, page 1, after sentence ending "on the ballot in that election":

Campaign manager is defined as any person who has been publicly designated by the candidate, or who has been listed in campaign literature paid for by the candidate or by any political action committees acting on behalf of the candidate as campaign manager.

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 68 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 68** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

**MEMORIAL RESOLUTION**

**H.C.R. 11** - (Brooks): Memorial resolution for Leo Riedel.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 20** - (Mauzy): Extending congratulations to Attorney General Jim Mattox.

**H.C.R. 25** - (Mauzy): Extending congratulations to the Honorable Mark W. White, Jr., Governor of the State of Texas.

**H.C.R. 78** - (Jones): Commending Bill Cain.

**S.R. 194** - By Sharp: Extending welcome to Dr. Fred L. Merian, Capitol Physician for the Day.

### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:05 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

### APPENDIX

Sent to Governor  
(February 22, 1983)

**S.C.R. 8**

**S.C.R. 21**

**S.B. 213**

### TWENTY-FOURTH DAY

(Wednesday, February 23, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Vale, Washington, Whitmire, Williams.

Absent-excused: Uribe.

A quorum was announced present.

The Reverend Jim Cloninger, Asbury Methodist Church, Austin, offered the invocation as follows:

Almighty God, Giver of life, Sustainer of life, we ask that Your Spirit be present in these proceedings today. Be with these men and women as they perform the work of the people. Be in their minds that their thoughts be clear. Be in their hearts that their motives be free from encumbrances. Be in their actions that they might be true representatives of this State. O Lord, we ask You to hear our prayers and be with us always. We ask this in Christ's Name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### LEAVE OF ABSENCE

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Brooks.

### CO-AUTHOR OF SENATE BILL 218

On motion of Senator McFarland and by unanimous consent, Senator Parker will be shown as Co-author of **S.B. 218**.